



IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

STATEMENT OF FACTS

The parties stipulate that the allegations in Count One of the Criminal Information and the following facts are true and correct, and that had the matter gone to trial the United States would have proven them beyond a reasonable doubt.

1. From October 2012 through July 2014, the defendant was employed as a cashier by the Navy Exchange, 1560 Mall Drive CD-13, Norfolk, Virginia, (Navy Exchange) in the Eastern District of Virginia.

2. The Navy Exchange is an instrumentality of the federal government of the United States of America.

3. During the month of December 2013, an unindicted person approached the defendant. The unindicted co-conspirator asked the defendant to give Navy Exchange merchandise to her free of charge. The defendant agreed to give merchandise to the unindicted co-conspirator in exchange for monetary payments.

4. On at least six occasions in April 2014 and May 2014, the defendant provided the unindicted co-conspirator with Navy Exchange merchandise. The unindicted co-conspirator

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did not pay the Navy Exchange for this merchandise, but provided the defendant with personal funds.

5. On April 17, 2014, the defendant was working at the Navy Exchange. The unindicted co-conspirator approached the register where the defendant was working. She brought a shopping cart of merchandise to the register. The defendant scanned seventeen items and voided four items on the transaction. The total sale amount was \$63.82. A total of \$265.97 was voided. The unindicted co-conspirator then waited while the defendant retrieved an Apple MacBook from the stockroom. The defendant proceeded to scan four items and void one item in a transaction. The total sale amount was \$10.77. A total of \$2,589.00 was voided. The defendant put the paid and unpaid merchandise in bags. The unindicted co-conspirator exited the Navy exchange with paid and unpaid merchandise from both transactions.

6. On April 20, 2014, the defendant was working at a register at the Navy Exchange. The unindicted co-conspirator approached the defendant with a shopping cart full of merchandise. The defendant scanned twenty-four items and voided eight items in the transaction. The total sale amount was \$19.92. A total of \$1,163.56 was voided. The defendant put all items from the transaction and unpaid merchandise into bags. The unindicted co-conspirator exited the Navy Exchange with paid and unpaid merchandise.

7. On April 22, 1014, the defendant was working at a register at the Navy Exchange. The unindicted co-conspirator approached her at the register with a shopping cart full of merchandise. The defendant left the register and returned with a laptop computer. The defendant scanned seventeen items and voided six items. The total amount of the transaction was \$49.68. A total of \$1,652.92 was voided. The defendant placed all seventeen items in

bags. She then left and returned with another laptop, while the unindicted co-conspirator waited. The defendant scanned four items and voided three items in another transaction. The total amount of the transaction was \$1.29. A total of \$998.28 was voided. The defendant put all four items and other unpaid merchandise in bags. The unindicted co-conspirator then exited the Navy Exchange with the paid and unpaid merchandise.

8. On May 6, 2014, the defendant was working at a register at the Navy Exchange. The unindicted co-conspirator approached the register where the defendant was working and placed merchandise on the counter. The defendant selected merchandise stored behind the counter and placed it next to the register. The defendant scanned sixteen items and voided six items in the transaction. The total amount of the transaction was \$136.43. A total of \$153.94 was voided. A sales representative for Bose sound systems then brought a Bose sound system to the register. The defendant pretended to scan the Bose sound system. The defendant placed other miscellaneous merchandise in a shopping cart. The unindicted co-conspirator and the defendant left the Navy Exchange together with the merchandise.

9. On May 18, 2014, the defendant was working at a register at the Navy Exchange. The unindicted co-conspirator approached the register where the defendant was working. The unindicted co-conspirator placed merchandise on the counter. The defendant left the register and returned with three MacBook professional laptops. The defendant scanned several items. The total amount of the transaction was \$19.45. The defendant put the three MacBook professional laptops, three Samsung Galaxy tablets, another laptop computer, and several Playstation games into bags; the defendant did not scan any of these items. The defendant

placed all paid and unpaid merchandise in the unindicted co-conspirator's shopping cart. The unindicted co-conspirator left the Navy Exchange with the paid and unpaid merchandise.

10. On May 19, 2014, the defendant was working at a register at the Navy Exchange. On that day, the defendant ate lunch with the unindicted co-conspirator in the Navy Exchange food court. Later, the defendant was working at a register in the Navy Exchange. The defendant approached the unindicted co-conspirator with a shopping cart full of merchandise. The defendant scanned eighteen items and voided fifteen items provided by the unindicted co-conspirator. The total amount of transaction was \$11.96. The amount voided was \$1,766.83. The defendant put all paid and unpaid items into bags. The unindicted co-conspirator exited the Navy Exchange with the paid and unpaid merchandise in her cart. Approximately 15 minutes later, the unindicted co-conspirator drove to Navy Exchange employee parking. The unindicted co-conspirator met with the defendant at the defendant's personal vehicle for approximately five minutes. The unindicted co-conspirator then returned to her own vehicle and exited the property. The defendant returned to work at the Navy Exchange.

11. The defendant had no authorization to give the unindicted co-conspirator items from the Navy Exchange without procuring proper compensation from the unindicted co-conspirator in accordance with set Navy Exchange policies.

Respectfully submitted,

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After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, ERICA SMITH, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

Erica Smith
ERICA SMITH

I am ERICA SMITH's attorney. I have carefully reviewed the above Statement of Facts with her. To my knowledge, his/her decision to stipulate to these facts is an informed and voluntary one.

R. Colgan
Richard Colgan, Esquire
Office of the Federal Public Defender
Attorney for Erica Smith

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